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Attorneys for Plaintiff  
 EBAY INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

EBAY INC.,	)	Case No. CV 08-04052-EJD-PSG
	)	
Plaintiff,	)	<b>JOINT STATUS REPORT</b>
	)	
v.	)	
	)	
DIGITAL POINT SOLUTIONS, INC.,	)	Judge: Hon. Edward J. Davila
SHAWN HOGAN, KESSLER'S FLYING	)	Dept.: Courtroom 1
CIRCUS, THUNDERWOOD HOLDINGS,	)	
INC., TODD DUNNING, DUNNING	)	
ENTERPRISE, INC., BRIAN DUNNING,	)	
BRIANDUNNING.COM, and DOES 1-20,	)	
	)	
Defendants.	)	

Pursuant to this Court's Order of December 15, 2011, the parties to the above-entitled action hereby submit the following Joint Status Report.

The Court stayed this action on August 3, 2010, pursuant to the parties' stipulation, pending the resolution of the criminal actions against Defendants Shawn Hogan and Brian Dunning. *See* ECF No. 228; *see also United States v. Hogan*, CR 10-00495-EJD (N.D. Cal.); *United States v. Dunning*, CR 10-00494-EJD (N.D. Cal.). On December 15, 2011, the Court administratively closed this action pending the stay, and ordered the parties to submit quarterly joint status reports regarding the status of the stay of this action. *See* ECF No. 238.

The parties report that there have been no developments which may affect the stay of this

1 action. The criminal cases against defendants Brian Dunning and Shawn Hogan remain set for  
 2 trials on October 23, 2012 and January 15, 2013, respectively. *See United States v. Dunning*,  
 3 ECF No. 33, CR 10-00494-EJD (N.D. Cal. Nov. 7, 2011); *United States v. Hogan*, ECF No. 47,  
 4 CR 10-00495-EJD (N.D. Cal. Nov. 7, 2011).

5 Although defendant Todd Dunning filed a voluntary petition for relief under the  
 6 Bankruptcy Code and commenced a chapter 7 case on April 24, 2012, the parties do not believe  
 7 that this development affects the stay of this action in light of the pending criminal actions. *See*  
 8 *In re Todd A. Dunning and Karine G. Dunning*, ECF No. 1, Case No. 12-31251 (Bankr. N.D. Cal.  
 9 Apr. 24, 2012).

10 The parties will file their next quarterly joint status report on or before October 15, 2012.

12 RESPECTFULLY SUBMITTED,

13 DATED: July 13, 2012

DAVID R. EBERHART  
 SHARON M. BUNZEL  
 O'MELVENY & MYERS LLP

15 By: /s/ David R. Eberhart  
 16 David R. Eberhart

17 Attorneys for Plaintiff  
 18 EBAY INC.

19 DATED: July 13, 2012

SEYAMACK KOURETSCHIAN  
 ROSS M. CAMPBELL  
 COAST LAW GROUP LLP

21 By: /s/ Ross M. Campbell  
 22 Ross M. Campbell

23 Attorneys for Defendants  
 24 SHAWN HOGAN and DIGITAL POINT  
 SOLUTIONS, INC.

1 DATED: July 13, 2012

LEO J. PRESIADO  
RUS, MILIBAND & SMITH

2  
3 By: /s/ Leo J. Presiado  
Leo J. Presiado

4  
5 Attorneys for Defendants  
THUNDERWOOD HOLDINGS, INC., BRIAN  
6 DUNNING and BRIANDUNNING.COM

7 DATED: July 13, 2012

PATRICK K. MCCLELLAN  
LAW OFFICE OF PATRICK K. MCCLELLAN

8  
9 By: /s/ Patrick K. McClellan  
Patrick K. McClellan

10 Attorneys for Defendant  
11 KESSLER's FLYING CIRCUS

12 DATED: July 13, 2012

TODD DUNNING

13  
14 By: /s/ Todd Dunning  
Todd Dunning

15 Pro Se

16 DATED: July 13, 2012

DUNNING ENTERPRISE, INC.

17  
18 By: /s/ Todd Dunning  
Todd Dunning

19  
20  
21 **ATTESTATION**

22 Pursuant to General Order No. 45X(B), I hereby attest that concurrence in the filing of this  
23 document has been obtained from each of the above-listed signatories.

24  
25 DATED: July 13, 2012

By: /s/ David R. Eberhart  
David R. Eberhart

**PROOF OF SERVICE**

I, Linda M. Sarson, declare:

I am a resident of the State of California and over the age of eighteen years and not a party to the within action. My business address is Two Embarcadero Center, 28th Floor, California 94111. On July 13, 2012, I served the within documents:

**JOINT STATUS REPORT**



by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**SEE ATTACHED SERVICE LIST**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 13, 2012, at San Francisco, California.



LINDA M. SARSON

SERVICE LIST

**eBay Inc. v. Digital Point Solutions, et al.**  
**U.S.D.C. Case No. C08-04052 JF**

Todd Dunning  
842 Sovereign Way  
Redwood City, CA 94065  
karinedunning@yahoo.com  
*on behalf of Defendants Todd Dunning and  
Dunning Enterprise, Inc.*